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February 27, 2013

VIA FEDERAL EXPRESS

The Honorable Orenstein
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Wiercinski v. Mangia 57, Inc. et al.
09-cv-04413(ILG)(JO)

Dear Judge Orentstein:

I represent defendant in the above referenced litigation.

My client has decided not to pursue a motion to enforce the terms of the settlement agreement.

With regard to Mr. Wiercinnki's accusation contained in his prior correspondence that I engaged in a conspiracy with his former counsel to deprive him of the benefits of his legal claim by coercing him into accepting a settlement, the accusation is of course preposterous. I engaged in an arms length negotiation with his counsel and reached in principle a settlement of his legal claims. Nothing further occurred as between his attorneys and myself. In view of the totality of the facts at issue, including Mr. Wiercinski's sworn admissions to engaging in repeated acts of Social Security fraud while employed by Mangia, the settlement he agreed to was eminently reasonable. Mr. Wiercinski decided not to honor that settlement.

Thank you for your time and attention.

Respectfully Submitted,



Daniel J. Kaiser

cc: Adam Wiercinski, 34-64 Hillside Avenue, Apt. 5BB, New York, NY 10040 (via Fedex)

The Honorable I Leo Glasser (via Fedex)